

# **ALTERNATIVE (04/04/2023)**

## **Town of East Windsor**

### **Blight & Property Maintenance Ordinance**

*(Repeal of Ordinance 89-3, Replacement of Ordinance 01-3)*

#### **1-1. Title:**

This Ordinance shall be referred to as the “Blight & Property Maintenance Ordinance of the Town of East Windsor” and the standards established herein shall be referred to as and constitute the minimum property standards of the Town of East Windsor (“Town”).

#### **1-2. Purpose:**

- A. The main objective of this ordinance is to eliminate injury or death caused by blight. It is not intended to standardize a form of living or appearance within the town.
- B. The Town of East Windsor recognizes that it is in the best interest, for the health and wellbeing of the community, to provide for the general maintenance of property in Town. The Blight and Property Maintenance Ordinance is intended to protect the citizens of East Windsor, Renters, First Responders, and other Town Officials.
  - a. Whereas First Responders when responding to emergency situations could be seriously injured or killed when responding to a call where blight caused unnecessary dangerous conditions.
  - b. Whereas Health Officials or Town Officials could be injured or die as a result of dangerous situations caused by blight when making inspections.
  - c. Whereas Tenants or Renters may find themselves faced with a Blight situation unresolved by their Lessor and need a duly authorized agent to take enforcement action for their safety and the safety of their customers.
- C. Whereas neighbors are having difficulty selling their home or feel their proper value has been diminished due to the proximity of blighted property. This ordinance is designed to protect the Town of East Windsor and its citizens from such outcomes caused by blight.
- D. This ordinance is further intended to establish procedures for the enforcement and abatement of property maintenance violations in Town.
- E. This ordinance is adopted pursuant to CGS §§ 7-148,7-148aa and 7-152c, as amended.

#### **1-3. Applicability:**

- A. This ordinance shall apply uniformly to the maintenance, use and occupancy of all premises, unless otherwise specified herein, now in existence or hereafter constructed, maintained, or modified and shall include:
  1. Dwellings or dwelling units including but not limited to one-family, two-family and multiple-unit dwellings.
  2. Lots, parcels or land or portions thereof, whether improved or unimproved.
  3. Buildings of non-dwelling use, including but not limited to all commercial land and buildings and mixed-use properties that may include one or more dwelling units.
  4. Apartments, boarding houses, group homes, lodging houses, rooming houses or tenement houses.
- B. This ordinance shall not apply to property described as follows:
  1. Municipal, State or Federal Property

2. To any building, other than a dwelling unit, on a parcel of land or portion thereof which is essential to a commercial farming operation, as defined by CGS Section 1-1q and is recognized as such with the Town's Assessor, including but not limited to those receiving a PA-490 farming exemption.

#### **1-4. Severability:**

In the event that any part of this ordinance is declared invalid for any reason, all other provisions of this ordinance shall remain in full force and effect.

#### **2-1 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

##### **BLIGHT**

Any building or structure, part of a building or parcel of land in which at least one of the following conditions exists:

- A. Any condition which poses a serious or immediate danger to the health or safety of any citizen of the community.
- B. Lacking adequate maintenance, including but not limited to, missing or boarded windows or doors; rotting or missing portions of walls, roof or floor; missing portions of siding or other exterior covering; fire damage to structure; unauthorized outdoor storage or accumulation of debris/rubbish on the property, has been vandalized, including graffiti.
- C. Structures left unsecured against unauthorized entry.
- D. Property has been cited for more than two code violations in the past which have not been corrected and are not the subject of a pending appeal.

##### **BLIGHT PREVENTION OFFICER**

The Zoning Enforcement Officer and/or Building Official of the Town of East Windsor. He/she shall investigate complaints of blight, issue warning letters and citations when appropriate, and explain his/her/their findings and actions to the citation hearing officers when necessary.

##### **CODE VIOLATION**

A violation of any Zoning Regulations, building codes, public health codes and fire codes.

##### **DISABLED INDIVIDUAL**

In the case of an owner-occupied residence, an individual who has a mental or physical disability as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and does not have other household members capable of providing the maintenance necessary to abate blight.

## **ELDERLY INDIVIDUAL**

An individual over the age of 65, who does not have a household member capable of providing the maintenance necessary to abate blight.

## **LOW-INCOME INDIVIDUAL**

An individual or a family unit that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program. This level is in the upper limit of Step 5 as set forth in the Connecticut General Statutes Section 12-170aa(c). It is immaterial that a person is or is not elderly for purposes of this definition.

### **3-1 Creation or maintenance of blighted property prohibited.**

No owner of real property within the Town of East Windsor shall cause or allow such property or any buildings thereon to become blighted, nor shall an owner allow the continued existence of a blighted property.

### **3-2 Warnings; citations; hearings; fines.**

- A. The Blight Prevention Officer shall issue a written warning notifying the property owner of a violation of this chapter. Said warning shall detail each finding of blight and the corrective action necessary and shall provide a reasonable amount of time for the property owner to correct the blight.
- B. If the property owner does not cure the blight within the time period stated in the written warning, the Blight Prevention Officer shall issue a citation to the property owner. Said citation shall be issued not sooner than 15 days after the deadline to cure blight conditions stated in the written warning. The citation shall assess a fine of \$100 per day for every day the violation continues. Any unpaid fine pursuant to this chapter shall constitute a lien upon the real estate against which the fine was imposed in accordance with Connecticut General Statutes Section 7-148aa. Such lien shall be continued, recorded, enforced and released in accordance with Connecticut General Statutes Section 7-148aa.
- C. The Board of Selectmen shall appoint one or more citation hearing officers other than police officers, Town employees, or the Blight Officer, to conduct citation appeal hearings. Issuance and service of citations, payment of fines, hearings and appeals to the Connecticut Superior Court shall be governed by Section 7-152c of the Connecticut General Statutes, as may be amended for time to time.
- D. Fines collected pursuant to this section shall be deposited into a separate fund to be used for expenses related to the enforcement and abatement of blight within the Town of East Windsor.

### **4-1 Abatement by Town.**

When a property owner is issued a citation pursuant to this chapter and does not cure the blight within 30 days of the service of the citation, the Town of East Windsor may cure the blight conditions. The costs incurred by the Town to cure the blight shall constitute a lien against the real property in addition to any fines assessed pursuant to this chapter.

## **4-2 Special considerations**

Special consideration may be given to property owners who are elderly, disabled or have a low income when the blight warning or citation concerns an owner-occupied residential dwelling. In such cases, the Blight Prevention Officer shall give such individuals adequate time to correct the blight conditions not to exceed 90 days. The Blight Prevention Officer shall provide information on possible opportunities for assistance with each warning letter and citation.

## **4-3 Other enforcement**

Nothing in this chapter shall be deemed to prohibit or limit in any manner any enforcement action with respect to any zoning, building, public health, fire, inland wetlands or other statutes, code, regulation or laws relating to the use of real property.

## **5-1 Enforcement Process**

The enforcement process for this ordinance will adhere to the Memorandum of Law prepared for Ruthanne Calabrese by Brian McCann dated, February 17, 2022, Regarding Blight Enforcement Process, which may be updated as necessary to conform to enabling state statutes.

## **6-1 Effective date.**

This chapter shall take effect on \_\_\_\_\_.